



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

COPY MAILED

OCT 06 2000

OFFICE OF PETITIONS
A/C PATENTS

BAKER BOTTS L.L.P.
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2400

In re Application of :
Scott Moskowitz & Marc Cooperman :
Application No. 09/545,589 : DECISION REFUSING STATUS
Filed: April 7, 2000 : UNDER 37 CFR 1.47(a)
For: METHOD AND SYSTEM FOR DIGITAL :
WATERMARKING :

This is in response to the "Petition Under 37 CFR 1.47(a)," filed August 15, 2000.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.
Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on April 7, 2000 without an executed oath or declaration and naming Scott Moskowitz and Marc Cooperman as joint inventors.

Accordingly, on June 15, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a \$65 surcharge fee for its late filing.

In response, on August 15, 2000, a declaration signed by joint inventor Moskowitz, and the instant petition with a declaration of facts by Floyd B. Chapman were filed. Petitioner implies that joint inventor Marc Cooperman refuses to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration filed on August 15, 2000 lacks compliance with 37 CFR 1.63 in that it does not set forth Mr. Cooperman's post office address as indicated in the petition. Therefore, a proper oath or declaration setting forth the inventor's post office address is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Special Program Law Office

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to Karen Creasy at (703) 305-8859.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy